

THE CITY OF NEW YORK
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October 12, 2005

BY HAND & ECF

The Honorable Richard M. Berman
United States District Court Judge
United States District Court
Southern District of New York
40 Centre Street, Courtroom 706
New York, New York 10007

Re: Eneaqua Lewis et al. v. City of New York, et. al.
04 CV 3696 (RMB)

Your Honor:

I am an Assistant Corporation Counsel with the New York City Law Department assigned to the defense of the above-referenced case. I write on behalf of both parties to respectfully request an additional thirty days to complete discovery in this case.

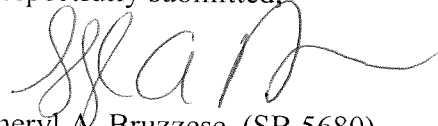
We make this request for several reasons. As the Court may recall, this action was stayed pending the resolution of the criminal trial. After the criminal trial was complete, our office made several attempts to obtain the criminal court and the Bronx County District Attorney's files. To date, we have not been able to obtain these files. Likewise, we have not yet obtained the Bronx County District Attorney's file as it had not yet been archived. In fact, my paralegal went to the Bronx Criminal Court earlier this week and was told that they are in the process of transferring the criminal file from the judge's chambers to the clerk's office. We are hopeful that we will be able to obtain the criminal file this week and we are expecting to receive the District Attorney's file next week. As Judge Fox indicated at the October 6, 2005 conference, these files as well as the minutes from the various court appearances is crucial to the plaintiff's analysis of his malicious prosecution claim.

Last, plaintiff's counsel requested the visitors log for the date of the incident as he believes there may be non-party witnesses who observed this incident. We are in the process of obtaining this log. Accordingly, we anticipate that a thirty day extension of time would allow time for defendants to obtain this log and forward it to plaintiff's counsel. It would also give the parties the opportunity to speak to and possibly depose potential non-party witnesses.

We assure the court that we are making every effort to move this case forward expeditiously. To date, the parties have completed written discovery and are in the process of scheduling depositions. Although defendants are going forward with the deposition of plaintiff on October 11, 2005, we are reserving the right to complete this deposition, if necessary, after we obtain the files. Likewise, rather than schedule the five defendant officers and have to recall them after obtaining the court files and logs, the parties have agreed that, with the Court's permission, it would be more fruitful to complete these depositions in the month of November. Discovery is currently scheduled to close on October 28, 2005. For all these reasons, we respectfully request that the Court extend the discovery deadline until November 28, 2005.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bruzzese', with a long horizontal flourish extending to the right.

Sheryl A. Bruzzese (SB 5680)
Assistant Corporation Counsel

cc: David Zelman, Esq. (by fax)
Attorney for Plaintiff